

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

FEB 08 2023

KEVIN P WEIMER/Clerk
By: *[Signature]* Deputy Clerk

Arthur Sykes Jr.
(Print your full name)

Plaintiff *pro se*,

v.

The PNC Financial Services Inc
A.K.A. PNC Bank, N.A. ("PNC")

(Print full name of each defendant; an employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

1:23-cv-0588

(to be assigned by Clerk)

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

Other (describe) _____

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:

Name Arthur Sykes Jr.
Address 1960 Sandgate Cir
College Park, GA 30349

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name The PNC Financial Services Inc
Address 300 Fifth Avenue
Pittsburgh, PA 15222 AKA
Name PNC Bank, N.A.
Address 300 Fifth Avenue
Pittsburgh, PA 15222
Name _____
Address _____

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

Wesley Chapel Branch
2710 Wesley Chapel Rd Decatur, GA 30034

6. When did the alleged discrimination occur? (State date or time period)

2/25/2022

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? Yes No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

Yes

No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

Received letter 11/10/2022

9. If you are suing for **age discrimination**, check one of the following:

60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

Yes

No

Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

Yes

No

Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

failure to hire me
 failure to promote me
 demotion
 reduction in my wages
 working under terms and conditions of employment that differed from similarly situated employees
 harassment
 retaliation
 termination of my employment
 failure to accommodate my disability
 other (please specify) _____

13. I believe that I was discriminated against because of (check only those that apply):

my race or color, which is _____
 my religion, which is _____
 my sex (gender), which is male female
 my national origin, which is _____
 my age (my date of birth is _____)
 my disability or perceived disability, which is:

my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation

other (please specify) _____

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

See Exhibit "A" (Attached)

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

15. Plaintiff still works for defendant(s)
 no longer works for defendant(s) or was not hired

16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? Yes No

If you checked "Yes," please explain: _____

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? Yes No

Request for Relief

As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

Defendant(s) be directed to _____

Money damages (list amounts) \$71,420.00

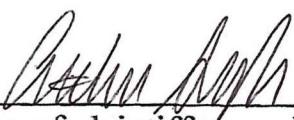
Costs and fees involved in litigating this case

Such other relief as may be appropriate

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 8th day of February, 2023


(Signature of plaintiff *pro se*)

Arthur Sykes Jr.
(Printed name of plaintiff *pro se*)

1960 Sandgate Cir
(street address)

College Park, GA 30349
(City, State, and zip code)

asykes9@yahoo.com
(email address)

770-861-4144
(telephone number)

Exhibit "A"

Arthur Sykes Jr.
1960 Sandgate Cir
College Park, GA 30349

vs

THE PNC FINANCIAL SERVICES INC ("PNC")
PNC BANK, N.A.
The Tower at PNC Plaza
300 Fifth Ave
Pittsburgh, PA 15222

I was hired with PNC as a personal banker at the Wesley Chapel branch in August 2011. I worked my way through the ranks of banking receiving numerous awards including 3x PNC Market All-Star, Human Sigma Six honoree, and ultimately Branch Manager of the Lithonia branch in December 2016. In Spring 2019, PNC decided to consolidate the Lithonia branch and I accepted the Branch Manager role at the Wesley Chapel branch.

Around November 2021, Jane Doe 1 approached the teller window for a withdrawal transaction. As Jane Doe 1 began to complete the ticket, I noticed her employer was Delta Air Lines and decided to open conversation. In banking, it is a best practice to become conversational with customers to uncover financial needs and/or cross sell opportunities. I asked Jane Doe 1 her role at Delta Air Lines and shared I have always heard great things about the airline. Jane Doe 1 agreed that Delta Air Lines is a wonderful company and that she is a flight attendant. Jane Doe 1 also added that she is a real estate agent and is doing very well. PNC encourages managers to uncover "COI" (Center of Influence) opportunities. PNC conducts weekly conference calls promoting branch managers to build COI relationships to drive PNC Mortgage activity.

Noticing time was approaching for another scheduled appointment, I quickly completed Jane Doe 1's withdrawal and she acknowledged that I could call her about real estate opportunities in efforts to drive PNC Mortgage production.

About an hour later, I called Jane Doe to formally set an appointment. When Jane Doe 1 answered the phone, I noticed she was on speaker because her voice was very far away. I introduced myself and thanked her for being a valued client at PNC. As I began to open the invitation for appointment, Jane Doe 1 abruptly asked "how did you get my phone number?" Since I addressed myself at opening and spoke just an hour ago, I was very confused and became uncomfortable of her reaction. Still on speaker phone, Jane Doe 1 swiftly stated she recalls our conversation earlier that day. Due to Jane Doe 1's responses, I sensed it was not a suitable time to speak and shared that I will connect with her another time. I never called Jane Doe 1 again and forfeited the COI opportunity.

Around early January 2022, I received a phone call from PNC Investigator Jane Doe 2 stating Jane Doe 1 filed a complaint that she was called without consent. I shared the entire story with PNC investigator Jane Doe 2 and added I was only doing what PNC ask of us every day.

On February 25, 2022, PNC investigator Jane Doe 2 recommended immediate termination due to violation of PNC Code of Ethics.

PNC denied unemployment benefits however, after my appeal with Georgia Department of Labor, the benefits were awarded. Per Georgia Department of Labor, PNC had the burden of proving, by a preponderance of evidence, that a Code of Ethics violation took place. Per Georgia Department of Labor, available facts from PNC did not show any Code of Ethics violation or any infraction of an employer rule. (See Exhibit "B")

The PNC investigator Jane Doe 2 made a gender-based discriminatory decision to defend Jane Doe 1 on unreliable information and wrongfully terminated my 10-year career at PNC.

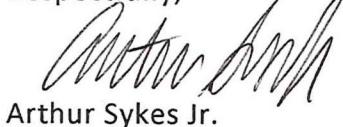
PNC did not adhere to their own Code of Ethics as it clearly states, "*Do not engage in or tolerate harassment of, discrimination against, or bias toward a customer or another employee*". Nor did the PNC investigator Jane Doe 2 and ERIC work with *integrity* which does not align with PNC's Core Values that should be embraced by *all* employees.

In conclusion, the just and due compensation for my demand is almost not quantifiable given the depth and breadth of the actions of PNC. This wrongful termination caused severe financial hardships, marital challenges, and mental depression.

My relief amount for this unjust act is \$71,420.

Loss PNC Projected Wages/Bonuses (2022)	\$85,000
Loss 401k Contributions (2022)	\$2,880
Mental Suffering	\$5,000
Unemployment Benefits (2022)	\$(1,460)
Non-PNC Employment Earnings (2022)	\$(20,000)

Respectfully,



Arthur Sykes Jr.

Exhibit B

DOL-442B1(R-02/17)
NM2006GEORGIA DEPARTMENT OF LABOR
CLAIMS EXAMINER'S DETERMINATIONSSN *****-6384BYB 03/13/22CWB 03/13/22ACCT# 379237-10

GEORGIA DEPARTMENT OF LABOR
APPEALS TRIBUNAL
148 ANDREW YOUNG INT'L BLVD NE, STE 525
ATLANTA, GA 30303-1734
EMAIL: appeals@gdol.ga.gov
FAX: 404-232-3901 OR 404-232-3902

CLAIMANT	EMPLOYER
ARTHUR SYKES 1960 SANDGATE CIR ATLANTA GA 30349	PNC BANK NA C/O TALX UCM SERVICES INC P O BOX 66507 ST LOUIS MO 63166

SECTION I - CLAIM DETERMINATION

Benefits are allowed as of 03/13/22.

SECTION II - LEGAL BASIS FOR DETERMINATION

Section 34-8-194 (2) (A) of the Employment Security Law says that you cannot be paid unemployment benefits if you were fired from your most recent employer for not following your employer's rules or orders. In addition, you may not be paid unemployment benefits if you were fired for failing to perform the duties for which you were hired, if that failure was within your control. You also cannot be paid benefits if you were suspended for any of these same reasons. The law says that your employer has to show that discharge or suspension was for a reason that would not allow you to be paid unemployment benefits. If you cannot be paid unemployment benefits under this section of the law, you may qualify at a later time. To do this, you must find other work and earn wages covered under unemployment law. The covered wages must be at least ten times the weekly amount of your claim. If you then become unemployed through no fault of your own, you may reapply for unemployment benefits.

SECTION III - REASONING

Your employer fired you for inappropriate conduct. If you violate a standard of conduct it is the same as violating an employer rule. The employer has the burden of proving, by a preponderance of evidence, that such violations took place. Available facts do not show that you violated employer rules or standards. Therefore you can be paid unemployment benefits.

SECTION IV - ACCOUNT CHARGEABILITY

NOTICE TO EMPLOYER:

SECTION V - APPEAL RIGHTS

NOTE: This determination will become final unless you file an appeal by 05/18/22. If you wish to file an appeal, submit a request online at dol.georgia.gov, in writing by email to appeals@gdol.ga.gov, or fax to 404.232.3901 or 404.232.3902. If you file an appeal you must continue to report on your claim as instructed, or you will not be paid if you win your appeal. Refer to the Claimant Handbook for more details.

Georgia Department of Labor
Claims Examiner04/22/22
Date of Interview05/03/22
Mail Date



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
1-800-669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 11/10/2022

To: Mr. Arthur Sykes Jr.
1960 Sandgate Cir
COLLEGE PARK, GA 30349
Charge No: 410-2022-05153

EEOC Representative and email: Ralph Cooper
Sr. Federal Investigator
Ralph.Cooper@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 410-2022-05153.

On behalf of the Commission,

Digitally Signed By: Darrell Graham
11/10/2022

Darrell Graham
District Director